

AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Haselbeck et al.
App. No. : 10/032,393
Filed : December 21, 2001
For : BACTERIAL PROMOTERS
AND METHODS OF USE
Examiner : N. Vogel
Art Unit : 1636

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 22, 2004

(Date)

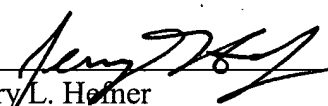

Jerry L. Heffner, Reg. No. 53,009

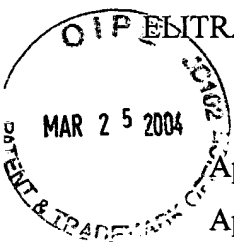
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Restriction Requirement in 2 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Haselbeck, et al.
Appl. No. : 10/032,393
Filed : December 21, 2001
For : BACTERIAL PROMOTERS AND
METHODS OF USE
Examiner : Nancy S. Vogel
Group Art Unit : 1636

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Restriction Requirement mailed on February 25, 2004, in connection with the above-identified application. Applicants elect the claims of Group I without traverse. Additionally, in response to the Examiner's election of species requirement, Applicants elect SEQ ID NO: 36 as the promoter sequence, *xyiO* as the operator sequence and *Staphylococcus aureus* as the organism.

Remarks/Arguments begin on page 2 of this paper.